

APPROVED: Meeting No. 36-83

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 34-83

October 10, 1983

The Mayor and Council of Rockville, Maryland, convened in general session, in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, October 10, 1983, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: Assistant City Manager Daniel Hobbs; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Hobbs reported the following:

1. The kick off for the 1984 United Way Campaign was held today. In the 1983 campaign, the City's contributions totaled over \$12,000. The City has won the Silver Award for the last 5 years. The Silver Award is given for employee participation. Mr. Hobbs thanked Mayor Freeland for addressing the employees this afternoon about the United Way.

2. Mr. Hobbs distributed the final draft of the Gaithersburg and Vicinity Master Plan. The Montgomery County Council will conduct public hearings on the Plan on November 8 and 10. The Chairman of the County Planning Board has asked for an opportunity to meet with the City Planning Commission between now and the date of the public hearing. The Director of Planning will be coordinating the meeting time, date and place. Members of the Mayor and Council who would like to participate in the work session are most welcome.

3. On Saturday October 15, the Annual Antique and Classic Car Show will be held at 9:30 at the Civic Center park. On Sunday, the 3 Kilometer and 10 Kilometer run will be held on the Montgomery College Track.

Councilman Tyner asked that the Mayor and Council minutes reflect that the Rockville Mayor and Council favors east-west and upcounty transportation in all road projects but that it stress the City's reasons for testifying in favor of alternative

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A, the no build. He asked that the City's meeting with Gaithersburg and Montgomery Council on November 18, include the Washington Grove Council.

Mayor Freeland said it is important that people understand the Mayor and Council's position in favoring east-west transportation, but that the alternatives shown in the proposals do not answer the need. It is necessary to have a realignment and have roads that go from Montgomery County to points in Baltimore, but the ICC option shown did not answer those needs correctly.

Re: Appointments

Mayor Freeland, with the confirmation of the Council, made the following appointments:

Senior Citizens Commission: Ray Schnell - Chairman - one year term

Re: Proclamation:
Business and
Professional Womens'
Week - October 17,
1983

Proclamation No. 11-83

There being no objection from the Council, Mayor Freeland proceeded to issue Proclamation No. 11-83, proclaiming the week of October 17, 1983, as Rockville Business Womens' Week. Councilwoman Hovsepian read the proclamation at the request of the Mayor in which it was urged that all citizens join in the salute to working women.

Re: Proclamation:
Continuing Education
Week - October 17,
1983

Proclamation No. 12-83

There being no objection from the Council, Mayor Freeland proceeded to issue Proclamation No. 12-83, proclaiming the week of October 17, 1983, as Continuing Education Week in Rockville. Councilman Abrams read the proclamation at the request of the Mayor in which it was urged that all citizens look on education as a life long process and take advantage of the opportunities given them. Mr. Arthur Johnson of Montgomery College accepted the proclamation on behalf of the academic community.

Re: Recognition of Gary
Anderson, Coach, 1983
Pan American Games,
Caracas

Mr. Ron Olson introduced Gary Anderson to the Mayor and Council. Mr. Anderson is the United States Coach of the 1983 Pan American Games recently held in Caracas, Venezuela. The United States team did very well by winning the gold medal. The City is fortunate in having a resident who is singled out to represent the United States

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in major international competition. Mayor Freeland introduced Mr. Anderson and his family to the Council and presented him with a plaque on behalf of the citizens of Rockville.

Re: Report from Mayor
Freeland on visit
from Pinneberg
officials

Mayor Freeland briefed the audience of the visit of 12 citizens from Pinneberg, Germany. He showed the audience gifts that were presented to the City - a copper representation of City Hall, and several books. Pinneberg, which is known as the "Rose City" in Germany, will be sending 300 rosebushes to Rockville for planting around the City. Councilman Abrams noted that former Mayor Dick Hovsepian deserved the gratitude of the citizens for the work he did in escorting the Pinneberg people during their stay. Councilwoman Hovsepian agreed. Councilman Duncan noted that these people came as strangers and left as friends. Councilman Tyner added that he had met with the City Manager of Pinneberg and discussed common problems and it was most interesting to see both cities do have the same problems. Mayor Freeland said he was quite pleased with the work done by former Mayor Hovsepian and the Sister City Task Force did an excellent job along with the City staff. He added as in past City activities, Ron Olson, the Director of Recreation and Parks and his crew arranged for good weather for the duration of the visit. Councilwoman Hovsepian noted the work done by the host families who went out of their way to make the time special. Councilman Tyner also saluted the business community who entertained the visitors and even the local newspaper that had a special editorial in German.

Re: Citizen's Forum

Mayor Freeland opened the meeting to those citizens who wished to address the Mayor and Council:

1. Cora Alter, Chairperson of Task Force on Rabies. Mrs. Alter addressed the Council about the recent poster contest held on rabies and the emphasis being on education. She noted that there will be another severe outbreak of rabies this fall and although it is difficult to hate furry raccoons, they cause the problem. She announced the winners. Third Place was awarded to Susan Hobins, 11 years old, Second Place to Trevor Dayton, and First Place to Peter Warfield. She exhibited their posters and those who did not win and noted what a difficult choice it was because of the excellence of the submissions.

There being no other citizen wishing to address the Mayor and Council, Mayor Freeland, closed the citizen's forum portion of the meeting.

Re: Public Hearing:
Annexation Petition,
X-87-83,
Schiavone/Covenant
Property, 11.41 acres
west side of Route 28
opposite Research
Boulevard, a request
for annexation and
placement in the O-1,
Office Zone.

The Mayor and Council conducted a public hearing on Annexation Petition, X-87-83, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for 30 days.

Re: Award of Contract:
Bid No. 21-84, Broome
Athletic Park
Construction

Bids were opened at 3:00 p.m., Wednesday, September 28, 1983, for Broome Athletic Park Construction. The bids were as follows:

Peak, Inc.	\$484,000.00
Pagliaro, Inc.	488,453.00
Deneau Construction	540,000.00

The proposed construction would have included grading and seeding of two soft-ball fields, one football field, field irrigation system, field sports lighting, fencing, walkways, skating areas and renovation of the existing school auxiliary gymnasium into a concession, rest room, and storage area.

The bids greatly exceed the construction budget for this project which was \$200,000.00. Consultant for this project, Lindsay Ervin, Associates, estimated that the project would cost approximately \$200,000.00.

It should be noted that within the bid specifications, staff requested item and unit prices; however, since the bid prices were higher than estimated, staff prefers not to award the bid on a partial basis but reevaluate the construction item priorities.

In accordance with City specifications, the subject bid contained the statement that the City "reserves the right to reject any or all bids or parts of bids when the public interest will be served thereby."

Staff recommends that Bid No. 21-84 be cancelled due to the fact that the bid prices greatly exceed the budget, and staff will reevaluate the construction items and priorities and rebid the Broome project as soon as possible.

Councilman Tyner asked what this means in delay of the project. Mr. Olson said staff may bid it in segments and be its own general contractor.

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On motion of Councilman Tyner, duly seconded and unanimously approved, Bid No. 21-84 was rejected since the prices greatly exceeded the budget.

Re: Extension of Contract
with Steuart
Petroleum for
gasoline

The City of Rockville currently has a Requirements Contract with Steuart Petroleum for the purchase of regular and unleaded gasoline. That award was based on Steuart's bid for truck transport delivered unit costs of \$.9354/gallon for regular gasoline, .9703/gallon for unleaded gasoline and a Maryland Road tax of \$.11/gallon. The current contract expires December 31, 1983.

The contract was awarded as a result of Invitation for Bid #7895 issued by Montgomery County for the Council of Governments. Award was based on the bid prices inclusive of a verifiable escalator provision.

Unit prices for the gasoline have fluctuated over the past nine months. However, Steuart Petroleum has provided an average unit cost lower than the original bid amount.

	Original Bid	Average Actual Price	% Difference
Regular	\$.9354/gallon	\$.8689/gallon	7% lower
Unleaded	\$.97903/gallon	\$.9020/gallon	7% lower

According to the Motor Vehicle Maintenance supervisor, Steuart Petroleum's prices have remained in line and competitive with the fluctuating market prices.

The City's projected requirements for calendar year 1984 are 44,000 gallons of regular gasoline and 70,000 gallons of unleaded gasoline. Based on that estimate and the average prices experienced during calendar year 1983, the estimated total cost to extend the contract is as follows:

Regular gasoline:	44,000 x \$.8689	=	\$ 38,231.60
Unleaded gasoline:	70,000 x \$.9020	=	<u>\$ 63,140.00</u>
Subtotal			\$101,371.60
Maryland Road Tax			<u>\$ 12,540.00</u>
TOTAL			\$113,911.60

Based on the above-referenced information, it is recommended that the current contract with Steuart Petroleum be extended for the optional period of January 1, 1984 - December 31, 1984, at an estimated total cost of \$113,911.60.

On motion of Councilman Duncan, duly seconded and unanimously passed, the contract with Steuart Petroleum was extended for the optional period of 1/1/84 to 12/31/84 and estimated total cost of \$113,911.60.

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Re: Award of Bid No.
8975, Solar Salt

Invitation for Bid #8975 was issued for the purchase of road salt for the participating jurisdictions of COG which include the City of Rockville.

Four bids were received. Based on the evaluation cited below, award was made on September 12, 1983 to Cargill, Inc., by the Council of Governments.

The following bids were received on Solar Salt:

Cargill, Inc.,	\$23.32/ton
International Co.	\$25.14/ton
Morton Salt	\$24.75
Diamond Salt Co.	\$25.20

Cargill, Inc., was awarded the contract as the low bidder on a firm fixed price basis.

Based on the per unit cost of the Cargill bid, the cost to the City of Rockville is estimated to be as follows:

Solar Salt 1,000 tons x \$23.32/ton = \$23,320.00

Based on the City's cost during Fiscal Year 1983 of \$28.08/ton and a usage of approximately 1,000 tons for a total of \$28,080.00, the current award to Cargill, Inc. results in approximately \$4,670 or 17% savings in road salt cost to the City. It should also be noted that Montgomery County went out on a separate bid and received a price of \$31.12/ton.

Based on the above-referenced information, it is recommended that award be made by Mayor and Council to Cargill, Inc., for the total estimated cost to the City of \$23,320.00 for the base period cited above.

It is also recommended that the City agree to the extension of the contract for a six month period upon review by the Director of Public Works.

On motion of Councilman Tyner, duly seconded and unanimously passed, the award was made to Cargill, Inc., for \$23,320.00 and the option given to extend the contract for a six month period upon review by the Director of Public Works.

Re: Adoption of
Resolution:
Annexation of
Betts/Cromwell
Property, X-86-83

Resolution No. 25-83

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 25-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, annexing the Betts/Cromwell property, Application No. X-86-83, was approved by the Mayor and Council.

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Re: Introduction of
Ordinance: To
provide for zoning -
Betts/Cromwell
Property

On motion of Councilman Abrams, there was introduced upon the table an ordinance to provide for zoning (Betts/Cromwell property), said ordinance to lay over at least one week before final action is taken.

Re: To grant, in part,
application, SL-1-83,
Burgundy Park
Associates, Burgundy
Center

On motion of Councilman Duncan, there was introduced upon the table an ordinance to grant, in part, application, SL-1-83, Burgundy Park Associates, Applicant, Burgundy Park Center, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of
Ordinance: An
Amendatory Ordinance
Authorizing the Sale
of Bonds Below Par

Ordinance No. 35-83

On motion of Councilman Abrams, there was introduced upon the table an amendatory ordinance authorizing the sale of bonds below par, said ordinance to lay over at least one week before final action is taken.

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, the Council agreed to waive the lay over and publication requirements so action can be taken on this ordinance this evening.

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 35-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, authorizing the sale of Bonds below par, was adopted by the Mayor and Council.

Re: Review of draft
letter to Montgomery
County Council
recommending changes
to proposed MXPD Zone

The County Council has postponed a decision on the Zoning Text Amendment #830006-MXPD for a two week period to permit time for municipalities to make recommendations for further adjustment to the ordinance. Submitted is a draft letter for the Mayor's signature which identifies those technical points that the staff believes should be incorporated into the pending ordinance. Specifically, the items focus on density of commercial and industrial development, height of

commercial-industrial buildings, distance of said buildings from residential structures, minimum green area and amenity requirements, and a proposal for mandatory referral of an application to municipalities if it is within one mile distance of the corporate limits.

Councilwoman Hovsepian asked for a briefing from Mr. Davis on how the City's suggestions to the County compare with the City's own regulations. Mr. Davis said they either meet or exceed the City's standards. He went into more detail for the benefit of the Council. Councilman Tyner noted this is a fine document from a Planning view point but there are many political questions that are not addressed and the letter could be construed as a softening of the City's position. On the points dealing with the establishment of the MXPDP zoning throughout the County, the letter is fine but the City opposes the rate and scale of MXPDP when applied to the Shady Grove area. Although the letter is fine, there is a larger issue. Councilwoman Hovsepian asked if there was any reason to send the letter until after the City and County Council sit down together. Mr. Davis said the County may take action before that joint meeting. Mayor Freeland suggested an introductory paragraph be placed in the letter explaining that this letter is in response to the County's request for City comment on the technical aspects of the zone but it has nothing to do with the City's testimony on the subject, in the larger context, that the City is unalterably opposed to the establishment of MXPDP in the Shady Grove area. Councilman Tyner agreed that the introduction should stress the technicalities and not the application. It was the consensus of the Council to otherwise approve the letter once the paragraph is inserted.

Re: Approval of land
exchange with Latvian
Lutheran Church -
Hurley Drive

Resolution No. 26-83

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, Resolution No. 26-83, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, approving a land exchange with Latvian Lutheran Church on Hurley Drive, was approved by the Council.

Re: Approval of Storm
Water Management on-
site waiver, 101
Halpine Road

This site is located at the northwest corner of Rockville Pike and Halpine Road. Marriott Corporation leases the area where they have had a Roy Rogers Restaurant for several years prior to the SWM ordinance. They have requested City permits to expand

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the indoor dining area by enclosing an existing 648 square foot concrete patio. Consequently there will be no actual increase in storm water runoff.

Runoff from this site flows across a portion of the adjacent Congressional Plaza parking lot to storm drain inlets and is conveyed by existing pipes to a tributary of Cabin John Creek at a point 1,400 feet upstream of the planned Montrose Park SWM Project (E-12, '84).

Underground on-site detention is not advisable in this case. Such facilities are difficult to maintain, frequently become inoperative or a safety problem and may need to be replaced after 25 years or so.

Since the storm drain system can adequately transport the flow and releases it a relatively short distance above a facility planned for the near future, it is recommended that the waiver be granted and a contribution of \$179 (.015 acres x \$12,000/acre) be made to the City's off-site program. The Montgomery Soil Conservation District has indicated no objection to the proposed waiver.

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, authorization was given to the waiver for on-site storm water management facility and acceptance of a contribution in an amount of \$179.

Re: Approval of Right of
Entry Agreement with
Prudential Insurance
Co. - Research Blvd.

This is a Right of Entry Agreement to property of the Prudential Insurance Company of America. The property in question contains 743.65 square feet and it is part of a large office complex under construction on Research Boulevard in the I-270 Corridor. This property is needed in connection with the City's planned connection of the existing ends of Research Boulevard.

The Right of Entry Agreement will give the City access to this parcel so that construction of Research Boulevard may proceed. The staff is currently negotiating an agreement with Prudential for the actual purchase of the property. Such later agreement may include an exchange of an excess right-of-way parcel which was part of the recent Thomas acquisition. Since it will take some time to work out the details of the later agreement, it is in both the City and Prudential's best interest to enter a Right of Entry Agreement at the present time.

The Public Works Department anticipates that construction bids for Research Boulevard will be advertised in the next two or three weeks and that construction will commence soon thereafter.

It is recommended that the Mayor and Council approve the Right of Entry Agreement with the Prudential Insurance Company of America.

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On motion of Councilman Tyner, duly seconded and unanimously passed, authorization was given for execution of the right of way agreement.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Councilman David Scull, re Cable Television committee.

Councilman Duncan asked if the City had responded to this request. Mayor Freeland told the Council that he was able to secure the services of citizen Roald Schrack who has long been active in the cable television's community and he will represent the City on this Council Committee.

2. S. Davis and C. Friedman, re thank you.
3. Delegate Gordon, re road and pedestrian problems
4. H. Hartman, re Landlord/tenant ordinance
5. P.D. Ogburn, re logo
6. B. Baker, citizen complaint
7. J. F. Springer, re Project Go
8. K. Rosenberg re PRU-16-81, Carter Hills

Councilman Duncan asked the progress of this situation. Mr. Hobbs briefed Mr. Duncan. Councilman Tyner asked if he could have a copy of the material Mr. Blick put together. Councilwoman Hovsepian said although the City probably was correct in this issue, there should be a better way to let the citizens know. Councilman Abrams suggested a hand out to let people know what the process is. Mr. Glasgow suggested that if the Mayor and Council have real concerns, when a project is approved, those concerns should be incorporated into the document. Mayor Freeland cautioned that the Mayor and Council might not want to get involved in the intricacies and technicalities of development.

9. J.J. Snyder, re Maryvale

Councilman Duncan said he has responded to this letter. Mayor Freeland said he has also. Councilman Tyner noted that at some point it will be necessary to amend the Croyden Park Plan. The Mayor said that can be done as soon as the City is firm on what changes to make. Councilman Abrams noted there has been no violation of the process in this situation. Mayor Freeland said the final Mayor and Council action will include a reference to the Master Plan.

10. Letters re ICC
11. Delegate Gordon, re PEPCO letter
12. W. Miller re Summit Purchase

Re: Information Items

1. Memo on Historic District research

Councilwoman Hovsepian expressed her delight that this is being done with no City funds. It was the consensus of the Council to approve the project.

2. Memo re TTY system

Councilwoman Hovsepian suggested the staff proceed with finding the cost of putting this system in the City to assist the deaf.

3. Letter to Public Works Director re Ritchie Parkway
4. Outreach

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5. Petition to RMSC re group use
Councilwoman Hovsepian asked that more information be given on this.
6. Memo from HDC re sign ordinance
7. Copy of letter from Supt. Cody re student walk to school
8. Memo re Public/Private partnership
Councilwoman Hovsepian said this seems like an excellent idea.
9. Information on Rockville Line-up facility
Councilman Duncan said he was pleased with this cooperative action.
10. Memo re Bond sale meeting 10/20
11. Memo re County SAT scores
12. Public Works project status report
Councilman Tyner asked why the North Washington Street driveway project has been placed on hold and when will the Gude Drive Landscaping activity be completed and what is the latest status with the contractor. Staff will be back with that information.
13. Energy consumption report
Councilwoman Hovsepian said she is quite pleased with this report. Mayor Freeland suggested that the information be placed in the Newsletter.
14. Senior Center newsletter
15. Memo re Transportation Planning Study Phase II
16. Memos from City Attorney re litigation
17. Status of REAP
18. Information on Golf Open prizes
19. Newspaper article on computer camp
20. Information on Witness Report in Traffic Enforcement
Councilwoman Hovsepian noted her pleasure that this project is working.
21. Information on Proposed SHA Consolidated Transportation Program
Mr. Hobbs suggested that the testimony be forwarded on Falls Road interchange. Councilman Duncan asked that some information be forwarded regarding the City's position on the Mall ramp removal.
22. Agenda for October 18 Joint meeting of Councils

Re: Approval of Minutes

It was the consensus of the Council to table the Minutes of Meeting No. 31-83, until Meeting No. 32-83 could be approved.

Re: New Business

1. Councilwoman Hovsepian noted that Arlene Simons has been reappointed to the Department of Community and Economic Development Advisory Committee for a four year term and appointed to the State of Maryland's Housing Policy Advisory Commission.

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2. Mayor Freeland said that he has written a memo to the Council on the visit to the Rockville Housing Authority. It will be forwarded to the Council this week.

Re: Executive Session

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the meeting was closed for executive session to discuss public safety issues.

Re: Adjournment

There being no further business to come before the Council in executive session the meeting was adjourned at 12:15 a.m. to convene again in general session on Monday, October 24, 1983, at 8:00 p.m. or at the call of the Mayor.